



Haryana Government Gazette

Published by Authority

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No. 44-2016] CHANDIGARH, TUESDAY, NOVEMBER 1, 2016 (KARTIKA 10, 1938 SAKA)

STATE ELECTION COMMISSION, HARYANA

NIRVACHAN SADAN, PLOT NO.2, SECTOR 17, PANCHKULA

Order

The 10th October, 2016

No.SEC/3ME/2016/2723.—

Subject :- *Disqualification of Smt. Santosh Devi wife of Jai Bhagwan, contesting candidate Ward No. 6, Municipal Committee, Kalanaur.*

The General Election of Municipal Committee, Kalanaur was held on 02nd June, 2013 and the result of the elected candidates was declared on the same day.

2. Section 13E of the Haryana Municipal Act, 1973, provides that every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

3. Section 13D of the Haryana Municipal Act, 1973 read with Section 10 A of the Representation of People Act, 1951 further provides that if the Election Commission is satisfied that a person –

(a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and

(b) has no good reason or justification for the failure

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

4. In pursuance of the above provisions, the State Election Commission, Haryana *vide* its Notification No. SEC/3ME/2011/2813, dated 05th September, 2011 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, Sub-section 3 of Section 13E of the Haryana Municipal Act, 1973 had prescribed the limit of expenditure of Rs. 50,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Committee, Kalanaur and account of election expenses shall required to be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.

5. As reported by the Deputy Commissioner, Rohtak, the above said candidate had contested the election from Ward No.6 of Municipal Committee, Kalanaur but failed to submit her election expenditure account within the prescribed time or thereafter. The Commission had served a show cause notice upon her to explain as to why she should not be disqualified on account of non submission of election expenditure account within the period. She

neither submitted her election expenditure statement nor responded to the show cause notice. I, had given her personal hearing on 12th September, 2016 in the court room of Deputy Commissioner, Bhiwani. Sh. Roshan Kumar, Clerk, Municipal Committee, Kalanaur represented the Deputy Commissioner, Rohtak. Sh. Kapil son of Smt. Santosh appeared and represented his mother and had submitted the following:-

“his mother had contested the election from Ward No. 6 of Municipal Committee, Kalanaur. She did not submit her election expenditure statement as she was not aware about it.”

6. After personal hearing, the order was announced.

7. On perusal of record of the case and after hearing of the candidate, I am satisfied that the above said candidate has failed to lodge an account of election expenditure, within the time and in the manner required by or under this Act. Moreover, above said candidate has submitted no good reason or justification for the failure to submit election expenditure account. Hence, she deserves to be disqualified. I, Dr. Dalip Singh, State Election Commissioner, Haryana, in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India and Section 13D of the Haryana Municipal Act, 1973 read with Section 10 A of the Representation of People Act, and all other powers enabling it in this behalf hereby order that **Smt. Santosh Devi w/o Sh. Jai Bhagwan** be disqualified for being chosen as, and for being a member of Municipality for a period of three years from the date of this order.

8. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Bhiwani immediately.

Panchkula:
The 12th September, 2016.

DR. DALIP SINGH,
State Election Commissioner, Haryana.